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Defendant.

Civil No. 1:10-CV-150BSJ

ORDER

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IT IS ORDERED that defendants' Motion to Dismiss (dkt. no. 4) pursuant to Fed.

R. Civ. P. 12(b)(6) & 9(b) is hereby GRANTED; and

IT IS FURTHER ORDERED that plaintiff is hereby granted leave to amend his complaint on or before March 31, 2011, and to join as a defendant any additional party who is or may be the real party in interest concerning the transaction in question.

DATED this 21 day of March, 2011.

BY THE COURT:

BRUCE S. JENKINS
United States Senior District Judge